



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

OCT 23 2001

DOT-E 12779

EXPIRATION DATE: September 30, 2003

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. **GRANTEE:** Nippon Sanso U.S.A., Inc.
Parsippany, NJ
2. **PURPOSE AND LIMITATION:**
 - a. This exemption authorizes the transportation in commerce of one non-DOT specification vacuum insulated portable tank conforming with all regulations applicable to a DOT Specification MC 338 cargo tank motor vehicle, except as specified herein, containing the materials authorized by this exemption. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. **REGULATORY SYSTEM AFFECTED:** 49 CFR Parts 106, 107 and 171-180.
4. **REGULATIONS FROM WHICH EXEMPTED:** 49 CFR §§ 173.318 and 176.76(g)(1) in that a non-DOT specification portable tank is not authorized except as specified herein.
5. **BASIS:** This exemption is based on the application of Nippon Sanso U.S.A., Inc. dated July 5, 2001, and supplemental information dated August 27, 2001 submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Material Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Helium, refrigerated liquid (cryogenic liquid)	2.2	UN1963	N/A

7. SAFETY CONTROL MEASURES:

(a) PACKAGING -

(1) Packaging prescribed is one insulated non-DOT specification portable tank designed, constructed and "U" stamped in accordance with Section VIII, Division 1 of the ASME Code. The portable tank is enclosed in an ISO type frame. The portable tank is vacuum-insulated with a supplemental liquid nitrogen shield. Design pressure is 91.5 psig for the internal tank and 10 psig for the liquid nitrogen tank. Design temperature is -452°F for the inner tank and any part, valve or fitting that may come in contact with the lading; and -320°F for the liquid nitrogen tank and any part, valve or fitting that may come in contact with liquid nitrogen. Water capacity is 11,000 gallons, nominal for the inner tank and 380 gallons for the nitrogen tank. The portable tank must conform with Cryogenic Technical Services, Inc. Drawing Nos. NSK D-100 Rev. A, issued August 2, 1987, NSK D- 201 Rev. A, checked January 12, 1987, and other referenced drawings and calculations on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

(2) Additionally, the tank must conform to the requirements contained in § 178.338, except as follows:

(i) Section 178.338-10 does not apply.

(ii) The portable tank need not conform with § 178.338-13(b) or (c). Lifting lugs, framework and any anchoring to the inner tank, the helium shield tank or the tank jacket must conform with Section 178.338-13(a).

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(iii) Portable tank designs that meet the definition of "container" must meet the requirements of 49 CFR Parts 450 thru 453, and each design must be qualified in accordance with § 178.270-13(c).

(iv) "DOT-E 12779" must replace the mark "MC 338" on the nameplate specified in § 178.338-18(a).

b. TESTING - Each portable tank must be reinspected and retested once every five years in accordance with the procedure prescribed in § 173.32(e) DOT Specification 51 portable tanks. The test pressure in the inner tank shall be determined from the following formulas:

If there is no vacuum in the outer jacket during test:

$$P_T = 1.25 \times P_d$$

If vacuum exists in the outer jacket during test:

$$P_T = 1.25 \times [P_d - 14.7]$$

Where:

P_T = Test pressure, psig

P_d = Design pressure (the sum of the maximum allowable working pressure, liquid head and 14.7 psi)

c. OPERATIONAL CONTROLS -

(1) Each portable tank must be prepared and shipped as required in § 173.318, as applicable for the lading.

(2) Shipments by cargo vessel must conform with the following:

(i) The package must conform with § 176.76(g). Portable tanks may not be overstowed with other containers or freight. Portable tanks must be stowed such that they are readily accessible and can be monitored in accordance with the provisions of this exemption.

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(ii) The legend "One-Way Travel Time _____ Hours" or "OWTT _____ Hours" must be marked on the shipping paper and on the dangerous cargo manifest immediately after the container description. The OWTT is determined by the formula:

$$\text{OWTT} = \text{MRHT} - 24 \text{ hours.}$$

(iii) A written record of the portable tank's pressure and ambient (outside) temperature at the following times must be prepared for each shipment.

- (A) At the start of each trip;
- (B) Immediately before and after any manual venting;
- (C) At least every 24 hours; and
- (D) At the destination point.

(iv) Any lading road relief valve set at a pressure lower than that prescribed for the (safety) pressure relief valve must be closed during transportation by cargo vessel unless the holding time was determined based on the setting of the pressure control valve.

(3) No person may transport or offer for transportation a charged portable tank unless the pressure of the lading is equal to or less than that used to determine the marked rated holding time MRHT and the OWTT is equal to or greater than the elapsed time between the start and termination of travel.

(4) The actual holding time for each tank must be determined after each shipment. If it is determined that the actual holding time is less than 90 percent of the MRHT of the tank, the tank may not be refilled until it is restored to its MRHT or the tank is re-marked with the reduced holding time determined by this examination.

(5) The holding time and the MRHT of the first portable tank must be determined and results thereof must be submitted to OHMEA prior to initial shipment.

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(6) The portable tank must be secured to the motor vehicle in accordance with the requirements of 49 CFR 393.100 through 393.106. Additionally, the motor vehicle's bumper must be located at least 6 inches to the rear of any tank component used for loading or unloading that may contain lading during transit.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle or cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or motor vehicle used to transport the package covered by this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

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No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attn: Records Center, 202-366-5046.

PO: PTolson